

**PRIVATE SECURITY ADVISORY COMMITTEE
MINUTES
MADISON, WISCONSIN
NOVEMBER 2, 2001**

PRESENT: Byron Bishop, Mark Harder, Matt Elliott, James Mankowski, Shawn Smith, and James Martin

EXCUSED: Edward Byrne, Dennis Brewer, Dejustice Coleman, Mark Kirch, William Meloy, and Mark Riesinger

STAFF PRESENT: Secretary Oscar Herrera, Clete Hansen, William Black and Mary Forseth

GUESTS: Two representatives of APA of Madison, Inc.

CALL TO ORDER

The meeting was called to order at 9:35 a.m. by Clete Hansen, Chair.

Clete Hansen welcomed Committee members and briefly explained the purpose of the meeting. He said that the agenda were abbreviated, so that Secretary Herrera, Committee members and staff of the Department could focus on the revised procedures for granting private security permits, the statistics that relate to the number of applicants, the number of criminal record checks obtained by the Department, and the efforts undertaken by the Department to obtain FBI criminal record reports more quickly.

AGENDA

The agenda were informally approved.

MINUTES (9/25/01)

MOTION: Jim Mankowski moved, seconded by Shawn Smith, to approve the minutes, as written.

POLICIES AND PROCEDURES RELATING TO THE ISSUANCE OF PRIVATE SECURITY PERMITS

Secretary Oscar Herrera explained why the Department had revised the application procedures to eliminate the granting of conditional permits. He referred to the fact that security issues have become one of the highest priorities of Governor Scott McCallum and other Cabinet members. Every agency is reviewing its responsibilities relating to security issues. Secretary Herrera said that the issuance of private security permits without having received a criminal record report from the FBI is not consistent with

reliable procedures for assuring that persons with felonies are not receiving private security permits. The Wisconsin Statutes require the Department to issue temporary permits and the Department will continue to do so; however, the Department itself had develop the procedures for the issuance of conditional permits and it will no longer issue conditional permits.

Clete Hansen explained several pages of statistics that were given to committee members. One page showed that, since July 1, 1997, the Department had processed 20,593 private security applications and denied 705 of those applications. Another page showed that 18 applications were granted with limitations. Another page showed that the department had received 3,836 FBI criminal record reports from July 2000 until June 2001. This was an average of 319 per month. Another page showed the number of days that it took for the Department to receive FBI criminal record reports for batches received on October 19, 23, 29 and 31, 2001. Sixty-seven out of 95 reports were received in less than 30 days. Clete Hansen said that some fingerprint cards are rejected by the FBI, because the prints are not adequate. He said that employing agencies will have to carefully review the cards and not even send in bad prints; otherwise, it will take much longer to obtain a criminal record report for applicants who submit such cards.

REPORT ON MEETING WITH REPRESENTATIVES OF THE WISCONSIN DEPARTMENT OF JUSTICE

Mary Forseth, Administrative Policy Advisor, informed committee members about a meeting that she and other representatives of the Department had with representatives of the CIB (Phil Collins and Kurt Bauer). The CIB representatives said that the Department still cannot receive NCIC criminal record reports from the FBI, because such reports are not available for employment purposes. NCIC reports are only available for law enforcement purposes and for a few other purposes specifically addressed in federal law. Ms. Forseth said that the CIB gave encouraging information about the possibility of the Department purchasing a scanner, which could be used to scan fingerprint cards and to electronically send them to the CIB. The CIB would electronically send the scanned cards to the FBI and would receive a report from the FBI within 48 hours. The CIB will be purchasing new equipment and it hopes to have it up and running after at least three months. The Department should be able to purchase card scanning equipment for \$25,000. Until the CIB equipment is up and running and until the Department purchases a scanner, the Department and the CIB will make every effort to send fingerprint cards to the FBI as soon as possible. The Department will hand-deliver cards to the CIB every afternoon at 2 p.m. The CIB will give top priority to sending the Department's fingerprint cards to the FBI without delay. Eventually, the Department will be able to consider a policy whereby all fingerprints would have to be taken electronically and electronically transmitted by the fingerprint "taker" directly to the CIB and the FBI. Neither the CIB nor the Department is ready for such procedures at the present time.

DISCUSSION

Committee members offered the following comments:

- Private security companies need private security personnel to satisfy the needs of their clients. There are not enough city and county police to get the job done.
- Stricter enforcement of the law is needed. Too many companies try to get around the law by hiring people as ushers or crowd control persons.
- Better training and education of private security personnel is needed.
- The Division of Enforcement does not have enough staff to do its job well.
- Wisconsin needs to shorten the time for granting permits, like other states have done.
- In some other states a law enforcement agency issues private security permits. Such agencies are able to obtain NCIC reports and to issue permits more quickly.
- The Department should try to work out an arrangement with the Capitol Police, so that the Capitol Police could obtain the NCIC criminal records checks.
- The Department should try to change the Wisconsin Statutes, so that it can gain access to NCIC reports.

SUMMARY

1. Secretary Herrera said that he will try to obtain the \$25,000 needed to purchase fingerprint scanning equipment.
2. William Black will check the Wisconsin Statutes and provide advice about the possibility of remedial legislation.
3. The Department will try to enhance its authority to require mandatory continuing education and then proceed with administrative rulemaking to effectuate what the committee has already recommended at previous meetings.
4. The Department will send a letter to committee members and inform them of progress that has been made to accomplish these goals.

UPDATE ON PROPOSED STATUTORY CHANGES

Clete Hansen said that the Department would still like to introduce a bill that would separate private security companies from private detective agencies. This bill would also address a few other issues that the Private Security Committee and the Private Detective Advisory Committee have recommended, including authority for the Department to promulgate pre-license education requirements for private security personnel and mandatory continuing education requirements for private detectives.

ADJOURNMENT

MOTION: Jim Mankowski moved, seconded by Byron Bishop, to adjourn the meeting at 11:11 a.m.